

Rockport Board of Appeals
June 24, 2015
7:00 P.M.
Rockport Public Library
The Brenner Room
17 School Street, Rockport, MA

- 1) Call to order at 7:00 P.M. Members present Alan Battistelli (Chairing), Peter Bergholtz, Frederick Frithsen, Lars-Erik Wiberg, Charles W. Christopher, Tacy D. San Antonio and Joyce Fossa. Michael Bace and John N. Rees are absent.
- 2) Hearing Sharon E. Carleton, Trustee of Sharon E. Carleton 1998 Family Trust for a special permit and/or variance to remove the existing porches and to replace them with a covered porch, to construct a second story addition on the Southwest side of the dwelling, and to expand two of the existing dormers on a non-conforming dwelling at 35 Norwood Avenue, Rockport.
 - A) Opened 7:00 P.M. Closed 7:30 P.M.
 - B) Members of the Board sitting are Alan Battistelli (presiding), Peter Bergholtz, Charles W. Christopher, Tacy San Antonio and Frederick Frithsen.
 - C) Materials presented: photos, general plan, site plan, floor plan, and elevations.
 - D) Petitioner represented by Attorney Deborah Eliason 63 Middle St, Gloucester, MA. 01930 and Nicole Sassi of treehouse Design 31 Pooles Ln # 24, Rockport, MA 01966.
 - a) Home dates back to 1914 and the present owners have owned it for 26 years.
 - b) The lot consists of 13,000+ square feet.
 - c) It is a preexisting nonconforming lot with a height of 34 feet 3 ¼ inches above grade and existing side yard setback.
 - d) It has no additional nonconformities.
 - e) The corner lot meets 2 front yard setbacks.
 - f) The lot coverage after construction is 19.8%.
 - g) It meets the Special Permit standard.
 - h) The owner wants to preserve the old home in keeping with the neighborhood but create a more flexible floor plan with the master bedroom on the first floor.
 - i) They have discussed the plans with all of the abutters.
 - j) Tim Thurman of Treehouse Design commented that the original house had a wraparound porch. The porch will again be wraparound and increase space on the second floor.
 - k) Dormer over the nonconformity. Two dormers on back increasing by about 18 inches - to about 2 feet above 30 feet.
 - l) Peter Bergholtz asked if dormer on both sides would be above 30 feet and the answer was yes. Also asked if above the existing nonconformity on other side and answer was yes it's in side back setback.
 - E) Audience:
 - a) Lorraine Horn 33 Norwood Ave. is concerned with the second story addition. She wondered if the owners were willing to make some modifications to the second floor addition.
 - b) Virginia Laplante 31 Norwood Ave. likes the plans but the side addition bothers her.
 - From her property she can see it and hear noise from the deck on the back.
 - Deck is too big.
 - The second floor looms over small home and is intrusive.
 - It is out of scale.

- They should work more towards ocean and not over neighbor's backyard.
 - c) Tim Thurman answered that the mass of the dormer does not block views. Deck will be further away and slightly smaller.
 - d) Attorney Eliason reminded the board that the legal standard against a Special Permit is "more detrimental".
- 3) Hearing Petition of Timothy and Elizabeth Reilly for a variance and/or special permit to expand an existing deck; to cover and to partially screen the deck on a non-conforming dwelling at 8 White Way, Rockport.
- A) Opened 7:30P.M. Continued to July meeting
 - B) Members of the Board sitting are Alan Battistelli (presiding), Peter Bergholtz, Lars-Erik Wiberg, Joyce Fossa and Frederick Frithsen.
 - C) Materials presented: photos, general plan, site plan, floor plan, and elevations.
 - D) Petitioners submitted revisions to the plans and letters from abutters.
 - a) Their present deck has existed for 20 years.
 - b) They want to replace it, cover it and screen it in.
 - c) They would be enlarging the deck by a small amount and purchased the cottage next door.
 - d) They need a Special Permit for over 20% coverage.
 - E) The Board found number of deficiencies in the plans that needed to be supplied.
 - a) Need measurements on how far they were encroaching into the setbacks.
 - b) Also need the setbacks of the abutters.
 - c) The Chair showed petitioners which measurements were needed.
 - F) No audience participation.
 - G) Joyce Fossa made a motion to continue the hearing to the July meeting. Peter Bergholtz seconded and it passed unanimously with Alan Battistelli, Peter Bergholtz, Lars-Erik Wiberg, Joyce Fossa and Frederick Frithsen voting.
- 4) Hearing of Matthew Metcalf for a variance and/or special permit to construct a non-conforming detached garage at 87 High Street, Rockport.
- A) Opened 7:51 P.M. Continued to July meeting.
 - B) Members of the Board sitting are Alan Battistelli (presiding), Peter Bergholtz, Charles W. Christopher, Tacy San Antonio and Joyce Fossa.
 - C) Materials presented: Materials presented: photos, site plan, floor plan, and elevations.
 - D) Matthew Metcalf 87 High Street, proposing to build a new garage and driveway.
 - a) Frontage on Kitefield Road and High Street.
 - b) Looking for relief to build a garage 4 feet into setback.
 - E) Alan Battistelli said that plans didn't show setbacks to Kitefield Road. The Board needs all the setbacks around the garage.
 - F) Charles W. Christopher commented that Kitefield Road is not parallel to the house and a survey should be done.
 - G) David Abram 104 Main Street owns the parcels abutting this property and he is against it.
 - H) Peter Bergholtz made a motion to continue this hearing to the July meeting. Charles W. Christopher seconded and it passed unanimously with Alan Battistelli, Peter Bergholtz, Charles W. Christopher, Tacy San Antonio and Joyce Fossa voting.
- 5) Continued- Petition of James Farnham for a special permit and/or variance to endorse a newly constructed dormer that is in conflict with the Zoning Bylaw at 25-27 High Street, Rockport.
- A) Opened 8:07 P.M. Closed 8:19 P.M.
 - B) Members of the Board sitting are Alan Battistelli (presiding), Lars-Erik Wiberg, Joyce Fossa and Frederick Frithsen.
 - C) Materials presented: Materials presented: photos, site plan, floor plan, and elevations.

- D) The petitioner supplied the requested dimensions from the last meeting.
 - a) Showed the new dimensions on the overhead.
 - b) Calculated the area of new level that has the 7 feet height requirements.
 - c) This is 15.2 percent of the floor below.
- E) From the audience Joe Lisi 32 High Street approved the plans.
- 6) Review design modifications for Decision 140701 by Michael McKinnell at 9 Phillips Ave., Rockport MA. Determine if modifications are significant enough to require a new hearing.
 - A) Sitting Members Charles W. Christopher, Tacy San Antonio, Alan Battistelli and Frederick Frithsen.
 - B) Michael McKinnell wanted to reduce the size of the previously approved plans.
 - C) Frederick Frithsen moved to accept the modifications. Charles W. Christopher seconded and it passed unanimously with Charles W. Christopher, Tacy San Antonio, Alan Battistelli and Frederick Frithsen voting.
- 7) Review design modification of Decision 141105 by the Institution for Savings at 37 King St., Rockport, MA. Determine if modifications are significant enough to require a new hearing.
 - A) Sitting members Peter Bergholtz, Tacy San Antonio, Alan Battistelli and Lars-Erik Wiberg.
 - B) Petitioner represented by Attorney Ralph Pino 46 Middle Street, Gloucester, MA.
 - a) The plans were modified to pull the tower down to 27 feet 7 inches and move it over to be on top of the drive thru.
 - b) It is completely compliant with all Rockport Zoning Bylaws.
 - C) Tacy San Antonio asked if it was going to be lit 24/7. The answer was that it would be lit by a timer. Richard York, 35 King Street submitted a letter in opposition to the tower.
 - D) Tacy San Antonio moved to accept the modification. Peter Bergholtz seconded and it passed unanimously with Peter Bergholtz, Tacy San Antonio, Alan Battistelli and Lars-Erik Wiberg voting.
- 8) Request for Extension Decision 101104 by Leslie Whelan at 52 Thatcher Rd., Rockport. She did receive relief from the Planning Board.
 - A) Sitting members Charles W. Christopher, Peter Bergholtz, Alan Battistelli and Tacy San Antonio .
 - B) Leslie Whelan 6 High Street is asking for an extension as she is just cutting down trees at the present time.
 - C) Peter Bergholtz moved to provide a one year extension. Charles W. Christopher seconded and it passed unanimously with Charles W. Christopher, Peter Bergholtz, Alan Battistelli and Tacy San Antonio voting.
- 9) Gary Patch to discuss a condition of the decision for Pigeon Cove LLC pertaining to affordable housing at 144-146 Granite St., Rockport.
 - A) Sitting members Tacy San Antonio, Lars-Erik Wiberg, Alan Battistelli, Charles W. Christopher and Joyce Fossa.
 - B) Gary Patch is under agreement to purchase.
 - a) Is asking if the Board will change requirement from 2 bedrooms to 1 bedroom.
 - b) Can he obtain an offsite unit to make the affordable housing component?
 - c) Can he make a cash payment to Town rather than build a low income unit?
 - C) Alan Battistelli's opinion is that he feels 1 bedroom is not a problem with it on or off site. Does not like payment to Town as it would push house responsibility to the Town to build a low income house.
 - D) Peter Bergholtz wants two bedrooms.
 - a) Charles W. Christopher wants two bedrooms.
 - b) Tacy San Antonio is OK with offsite but wants two bedrooms.
 - c) The majority of the Board wants 2 bedrooms.

- E) The decision of the Board on the issue is that the low income units may be on or off the site but must have at least two bedrooms. It was decided unanimously with Tacy San Antonio, Lars-Erik Wiberg, Alan Battistelli, Charles W. Christopher and Joyce Fossa voting.
 - F) Gary Patches Realtor, Kristen Leone, 1 Merrimac street Danvers asked:
 - a) What documents are used for the low income unit?
 - b) What is the income target level?
 - c) Is it 80%.
 - G) Alan Battistelli said that a lottery can be used to sell unit, 80% of mean income bracket and work with the state for 40B.
- 10) Approval of minutes: May 28, 2015.
- A) Peter Bergholtz moved to accept the minutes with two minor corrections.
 - B) Lars-Erik Wiberg seconded and it passed unanimously with Alan Battistelli, Peter Bergholtz, Frederick Frithsen, Lars-Erik Wiberg, Charles W. Christopher, Tacy D. San Antonio and Joyce Fossa voting.
- 11) New Business:
- A) Tacy San Antonio called Metcalf and Reilly about the fact that they had insufficient data in their application.
 - B) Charles W. Christopher said that Reilly just looked at letter of deficiency even though he was told to get it in on time.
 - C) Charles W. Christopher asked that his phone number on the deficiency letters be changed to his mobile phone number.
- 12) Discussion of Hearings
- A) Sharon E. Carleton
 - a) Charles W. Christopher made a motion to approve the plans.
 - b) Seconded by Peter Bergholtz.
 - c) Passed unanimously with Alan Battistelli, Peter Bergholtz, Charles W. Christopher, Tacy San Antonio and Frederick Frithsen voting.
 - B) Timothy and Elizabeth Reilly Continued to July meeting.
 - C) Matthew Metcalf continued to July meeting.
 - D) Farnham
 - a) Frederick Frithsen moved to approve the plans.
 - b) Lars-Erik Wiberg seconded.
 - c) It passed with Alan Battistelli, Lars-Erik Wiberg and Frederick Frithsen voting in favor. Joyce Fossa voted against the motion.
- 13) Next Possible Meeting July 29, 2015
- 14) Motion to adjourn made by Peter Bergholtz and seconded by Lars-Erik Wiberg . Passed unanimously with Alan Battistelli, Peter Bergholtz, Frederick Frithsen, Lars-Erik Wiberg, Charles W. Christopher, Tacy D. San Antonio and Joyce Fossa voting.
Adjournment at 9:22 P.M.